THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8314 of 2007

Dated:03.07.2007

Between:

Smt.Anandamma, W/o.Vema Reddy, and others.

…Petitioners

and

The District Collector and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8314 of 2007

ORDER:

The four petitioners are residents of Girmapur Village of Peddemula Mandal in Ranga Reddy District. They are allegedly owners and pattadars of land admeasuring Acs.2.03 guntas in Survey No.50/AA, Ac.1.01 gunta in Survey No.50/A, Ac.0.28 guntas in Survey No.50/A1 and Ac.0.14 guntas in Survey No.50/A1 respectively, totally admeasuring Acs.4.06 guntas, situated in the said Village. It is their further allegation that respondents 1 to 3 herein without initiating proceedings under the Land Acquisition Act, 1894, are proposing to take up the lands under Indiramma Cheruvu Scheme for construction of Minor Irrigation Tank/Kunta. It is also alleged that there is an extent of Acs.40.00 of Government land, and instead of utilizing the same, the petitioners' land is being taken for development of the Kunta.

At the stage of admission itself, the Tahasildar, Peddemula Mandal, filed counter affidavit. The allegation that the petitioners' land is being proposed for Indiramma Cheruvu Programme is denied in paragraph 10 of the counter affidavit. It is further stated that the land in Survey No.50 is shown in the revenue records as "Ootakunta", which is the main source of irrigation for the lands situated in the down stream of Kunta. It is also alleged that Kunta is formed with sluices for over fifty years, and that the Gram Panchayat got sanctioned an amount of Rs.10,08,883/- from the Mandal Parishad Development Officer, Peddumula.

The petitioners have filed reply affidavit. The allegation that there is no proposal to convert the petitioners' land under Indiramma

Cheruvu Programme is not specifically denied. Be that as it is, along with the counter affidavit, the Tahasildar has annexed the Village map showing Survey No.50 as Kunta. Therefore, it can be assumed that the Gram Panchayat got funds released for maintenance of the bund and Kunta in Survey No.50. If the petitioners' land in various subdivisions of Survey No.50 is required either for Indiramma Cheruvu Programme or for any other public purpose, it is needless to mention that the Government has to follow due process of law, be it, the Andhra Pradesh Land Encroachment Act, 1905, or the Land Acquisition Act, 1894. This observation is made to safeguard the interest of the petitioners.

The Writ Petition, with the above observation, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

03.07.2007
vs